

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

4:03CR106

TANESA NELLA HARDEN,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

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Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to one count of an indictment charging her with being an unlawful user of narcotics in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(3).

Defendant was represented by appointed counsel, Kevin Diamonstein, Esquire. On October 20, 2005, defendant appeared before the Court for the purpose of entering her guilty plea.

Defendant answered all questions put to her in clear and concise language. On those occasions when she had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in her behavior at all times and clearly understood the seriousness of her position. At the close of the proceeding, defendant was continued on bond, subject to the same conditions of release as originally imposed.

Defendant is twenty-six years of age, attended school until the twelfth grade but did not graduate, and speaks English as her native language. There was no evidence that defendant was on drugs, alcohol,

or medication which might impair her judgment. She was cooperative and polite throughout the proceeding.

Defendant entered the guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia

/s/  
**James E. Bradberry**  
**United States Magistrate Judge**

October 24, 2005

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of  
the following:

Kevin M. Diamonstein, Esquire  
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Elizabeth H. Paret, Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2005